

May 20, 2004

TO: PERSONS INTERESTED IN RECREATIONAL TRAIL MANDATORY
AND EXEMPTION CATEGORY RULEMAKING

FROM: Gregg Downing
EQB Environmental Review program staff

SUBJECT: **PUBLIC REVIEW OF DRAFT CATEGORY OPTIONS**

The EQB staff has developed the accompanying preliminary options for possible mandatory EAW, EIS, and Exemption categories for recreational trails. The ideas for these options came from the public comments received in response to EQB's solicitation of ideas published in July 2003. These preliminary category options were presented to the EQB Board at its May meeting, and now are available for public review.

The EQB will accept comments on these options until July 19, 2004.

EQB will consider all comments received when drafting a formal rule proposal later this summer. The EQB staff anticipates that it will ask the EQB Board to authorize formal rulemaking early next fall. The Legislature directed the EQB to adopt rules for recreational trail categories by January 2005.

Please submit comments or direct any questions to:

Gregg Downing
Environmental Quality Board
300 Centennial Bldg., 658 Cedar Street
St. Paul, MN 55155

Fax: 651/296-3698

E-mail: gregg.downing@state.mn.us

Phone: 651/205-4660

FOR PUBLIC REVIEW

EQB STAFF PROPOSED OPTIONS FOR RECREATIONAL TRAIL MANDATORY & EXEMPTION CATEGORIES

Mandatory EAW Proposals

A. Options applying to construction of new or expanded trails other than winter-only trails:

- Option 1. All recreational trails (regardless of use, length, location or ownership), except those exempted.
- Option 2. All recreational trails with at least 10 miles* of new alignment on forested or naturally vegetated land.
- Option 3. All recreational trails with at least 10 miles* of new alignment on forested or naturally vegetated *public* land.
- Option 4. All recreational trails for motorized uses (i.e., non-motorized trails not included), except those exempted.

* Miles could refer to continuous or cumulative stretches of trail.

B. Options applying to construction or expansion of winter-only trails:

- Option 1. Trails with at least 20 miles* of new alignment on forested or naturally vegetated land.
- Option 2. Trails with at least 20 miles* of new alignment on forested or naturally vegetated *public* land.
- Option 3. No separate category for winter only trails – whatever option chosen under A above would apply to winter trails also.

* Miles could refer to continuous or cumulative stretches of trail.

C. Options applying to designation* of a new use on an existing trail:

- Option 1. Designation of a new motorized use regardless of length (except as exempted)
- Option 2. Designation of a new motorized use of at least 25 miles.
- Option 3. Designation of a more intensive use on at least 25 miles of trail.
- Option 4. Designation of a more intensive use on at least 25 miles of trail on *public* lands.
- Option 5. Any of options 1 -4, not including designation of a winter-only use.

*"Designation" refers to an affirmative act by a unit of government with jurisdiction over a trail to approve or allow specific types of use on the trail; it includes conversion to, or addition of, a new use.

(EAW category options continued on next page)

D. Options applying to construction or expansion of an off-highway vehicle recreation area (OHVRA):

- Option 1. Construction/expansion of an OHVRA of/by 80 or more acres of forested or naturally vegetated public land.
- Option 2. Construction/expansion of an OHVRA of/by 80 or more acres of forested or naturally vegetated public land, or an OHVRA of 640 or more acres regardless of the nature or ownership of the land.

Mandatory EIS Proposals

- Option 1. No mandatory EISs for any recreational trail projects.
- Option 2. Construction of a new or expanded trail for motorized use, except winter-only use, with at least 35 miles of new alignment on forested or naturally vegetated public land that: (1) crosses a trout stream, public water or public wetland; (2) passes within 100 feet of any combination of five or more trout streams, public waters or public wetlands; or (3) would have at least 3 miles of alignment within a township that currently has no OHV trails.
- Option 3. Construction of an OHVRA on 640 or more acres of forested or naturally vegetated public land.

Exemption Proposals

A. Options applying to all types of recreational trails:

- Option 1. The rerouting of less than one continuous mile of trail due to safety considerations, or to avoid sensitive areas.
- Option 2. Reconstruction, rehabilitation or maintenance of existing trails within the existing corridor involving no changes in use.
- Option 3. Designation of minor, temporary or seasonal trails with no significant or lasting effects.
- Option 4. See Option 2 under C below.

B. Options applying only to winter-only trails (in addition to ones selected in A):

- Option 1. Construction of less than one continuous mile of winter-only trail.
- Option 2. Construction or expansion of a winter-only trail across agricultural land.
- Option 3. Designation (including conversion) of an existing trail for winter-only use.

C. Options applying only to motorized uses:

- Option 1. Designation of existing State Forest roads for motorized recreational vehicle use (in addition to those selected in A & B).
- Option 2. No exemptions for construction, expansion, or designation/conversion of motorized uses, except winter-only use exemptions selected under B.